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Attorneys for BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission
DOCKETED

JAN 15 1997

CARL J. KUNASEK
Chairman
JIM IRVIN,
Commissioner,
RENZ D. JENNINGS,
Commissioner

DOCKETED BY

IN THE MATTER OF COMPETITION
IN THE PROVISION OF ELECTRIC SERVICES
THROUGHOUT THE STATE OF ARIZONA

) DOCKET NO. U-0000-94-165
)
) APPLICATION FOR REHEARING
) AND REQUEST FOR STAY
)

Navopache Electric Cooperative, Inc. (Navopache), pursuant to A.R.S. § 40-253 and AAC R-14-3111, submits this Application for Rehearing and Request for Stay of Decision No. 59943 dated December 26, 1996. Rehearing and a stay pending Commission determination of the issues raised is requested as to all aspects of Decision No. 59943 and its appendices, including the Rules set forth in its Appendix A (collectively, the "Decision").

The Decision is unconstitutional, unlawful, unreasonable, in excess of the Commission's jurisdiction, arbitrary, capricious and an abuse of the Commission's jurisdiction upon the grounds and for the reasons set forth in the Applications for Rehearing/Reconsideration and Requests for Stay filed by the Arizona Public Service Company and Tucson Electric Company whose filings are herein adopted as though set forth in full with respect to the legal basis and authorities for this Application, and for the reasons set forth by the Application for Rehearing filed by the Arizona Electric Power Cooperative, except with respect to those portions thereof expressing Arizona Electric Power Cooperative's

1 interpretation of the meaning and/or the legal significance of the contractual relationships
2 between the distribution cooperative and (a) the generation and transmission cooperative, and
3 (b) its lenders and/or and the United States.

4 WHEREFORE, having fully stated its Application for Rehearing and Request for
5 Stay, Navopache respectfully requests that the Commission enter its Order granting the
6 Application for Rehearing and staying the Decision and the Rules adopted, pending resolution of
7 the issues raised hereby.

8 RESPECTFULLY SUBMITTED this 15th day of January, 1997.

9 MARTINEZ & CURTIS, P.C.

10
11 By 

William P. Sullivan
2712 N. 7th Street
Phoenix, Arizona 85006-1090
Attorneys for Navopache Electric Cooperative,
Inc.

14 Copies of the foregoing hand-delivered
15 this 15th day of January, 1997 to:

16 Chief Hearing Officer
Hearing Division
17 Arizona Corporation Commission
1200 West Washington
18 Phoenix, Arizona 85007

19 Chief Counsel - Legal Division
Arizona Corporation Commission
20 1200 West Washington
Phoenix, Arizona 85007

21 Director - Utilities Division
22 Arizona Corporation Commission
1200 West Washington
23 Phoenix, Arizona 85007

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CERTIFICATE OF SERVICE

I hereby certify that I have caused to be filed with the Arizona Corporation Commission on January 15, 1997 the original and ten (10) copies of the foregoing document and service was completed by mailing or hand-delivering a copy of the foregoing document on this 15th day of January, 1997 to all parties of record herein.

